

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **VICE-CHAIRMAN LARRY LEHMAN**, on March 7, 2003
at 3:15 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Joan Andersen, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Larry Lehman, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Carol Gibson (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Bob Lawson (R)
Rep. Joe McKenney (R)
Rep. Clarice Schrumpf (R)
Rep. Pat Wagman (R)

Members Excused: Rep. Nancy Fritz (D)

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Pamela Schindler, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: SB 16, 2/28/2003
Executive Action: None

HEARING ON SB 16

Sponsor: SEN. JEFF MANGAN, SD 23, Great Falls, Montana

Opening Statement by Sponsor:

SEN. MANGAN opened the hearing on SB 16 by informing the Committee that in December, 2000 the Supreme Court reviewed the School Territorial Transfer statute and ruled it unconstitutional.

In the 2001 Legislative Session, SEN. ELLIS brought forth SB 111. After a three-hour hearing and numerous problems, the bill was moved to House Judiciary with the bill being tabled there.

In that same Legislative Session, HJR 41 was brought forth to try and resolve this problem with HJR 41 being ranked sixth or seventh on the priority list. The issues that the study resolution were to address were: procedures, requirements, roles and criteria to be used in the appeal process. The Interim Education Committee appointed a Subcommittee to address those issues. The Subcommittee proceeded to have a "road show"; traveling to five or six regional areas where public hearings were then held.

SEN. MANGAN proceeded at this point to explain further what this bill would resolve. At the termination of his testimony, SEN. MANGAN stated that this bill has had approximately two years of work on it, therefore he would not be agreeable to amendments and encouraged the Committee to "leave bill as is."

EXHIBIT (edh48a01)

EXHIBIT (edh48a02)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 24.1}

Proponents' Testimony:

Lance Melton, Montana School Boards Association, rose in support of SB 16. However, he stated that his association has a resolution; that the territory should not be transferred except when the district losing territory approves the transfer. A concern of this association is the quality of education for children. Mr. Melton made further statements regarding the 25% tax base threshold being reached.

{Tape: 1; Side: A; Approx. Time Counter: 24.1 - 27.7}

David Puryer, Montana Rural Education Association, spoke in support of SB 16.

{Tape: 1; Side: A; Approx. Time Counter: 27.7 - 30.1}

Rachel Vielleux, Superintendent of Missoula County Schools, rose in support of SB 16.

{Tape: 1; Side: A; Approx. Time Counter: 30.1 - 31}

Hy Rushton, Vaughn School District, supported SB 16, but voiced concerns over some of the language in the bill.

EXHIBIT (edh48a03)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.5}

Jan Cahill, Superintendent, Heart Butte School, rose in support of SB 16 and stated that this bill would provide for positive education.

{Tape: 1; Side: B; Approx. Time Counter: 3.5 - 5.2}

Rick Losleben, Vaughn School District, supported SB 16, but voiced concerns about the resident districts that may have no "say", distance from school to school and the 25% taxable base value. Mr. Losleben suggested some amendments may be needed.

{Tape: 1; Side: B; Approx. Time Counter: 5.2 - 9.3}

Emil Newman, Citizen, rose in support, but voiced concerns he had about the voters' input.

{Tape: 1; Side: B; Approx. Time Counter: 9.3 - 13.3}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

Questions from **REPS. BRANAE, JACKSON, MCKENNEY, and ANDERSEN** to the sponsor covered many topics. Included in those questions were: the amendments offered by the witnesses, 25% territory transfer of tax base, appellant process, and finally the election/voter process.

{Tape: 1; Side: B; Approx. Time Counter: 13.3 - 31}

Closing by Sponsor:

SEN. MANGAN closed the hearing on SB 16 by stating, "The vote is the smallest part of the bill." He also noted that stiff criteria are included in the language of the bill addressing the effect on the students in both the transferring and receiving districts.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.8}

REP. LEHMAN asked and was granted a point of personal interest. He stated that he was very pleased about the change in the testimony of the witnesses; then related a personal anecdote to the Committee.

{Tape: 2; Side: A; Approx. Time Counter: 4.8 - 5.1}

ADJOURNMENT

Adjournment: 4:18 P.M.

REP. JOAN ANDERSEN, Chairman

PAMELA SCHINDLER, Secretary

JA/PS

EXHIBIT (edh48aad)